

## **REMARKS**

### **INTRODUCTION**

Claims 1, 3-8, 12, 14-16 and 18 were previously pending and under consideration.

Claims 19-22 are added herein.

Therefore, claims 1, 3-8, 12, 14-16, and 18-22 are now pending and under consideration.

Claims 1, 3, 5-8, 12, 14-16 and 18 are rejected.

Claim 4 is objected to.

Claims 1, 3, 5-8, 12, 14-16 and 18 are amended herein.

No new matter is being presented, and approval and entry are respectfully requested.

### **REJECTIONS UNDER 35 USC § 102**

In the Office Action, at pages 3-4, claims 12-16 were rejected under 35 U.S.C. § 102 as anticipated by Kazuo. This rejection is traversed and reconsideration is requested.

### **MACHINE TRANSLATION OF KAZUO SHOULD BE REPLACED BY CORRESPONDING U.S. PATENT IN ENGLISH**

The Office Action cites Kazuo, however the machine translation is unclear, has portions that are untranslatable, and has figures with untranslated Japanese text. Applicant respectfully notes that Kazuo corresponds to U.S. Patent 5,661,800 to Nakashima et al. The Nakashima reference claims priority to Japanese application 6-048422, which is application number of the "Kazuo" reference cited by the Examiner.

The following discussion traverses the rejection with reference to the Nakashima reference rather than the machine-translation of Kazuo.

NAKASHIMA DOES NOT GET ADDRESS INFORMATION FROM DIRECTORY TO  
SELECT/LOCATE NEEDED APPLICATION WHEN DATA FILE OF THE DIRECTORY IS  
SELECTED

Amended claim 1, for example, recites:

1. (CURRENTLY AMENDED) An application  
managing method for a case where a plurality of applications are  
stored in a storage at locations of the storage, comprising:

storing, in the storage, a directory structure corresponding  
to the plurality of applications;

in the storage, giving information of the application  
addresses directly to predetermined directories of the directory  
structure, respectively, the application address information being  
for identifying the applications, respectively, where the applications  
are needed for corresponding data files stored in the storage using  
the predetermined directories, respectively; and

performing management so that when one of the data files  
is selected a needed application corresponding to the data file of a  
directory of the predetermined directories is selected and executed  
by referring to the selected data file's directory to obtain its  
application's address information and therewith access and  
execute the application at the storage location of the thus-obtained  
address information given to the directory, where the selection for  
execution is responsive to the data file of the directory being  
selected,

wherein one of the plurality of applications is needed when  
one of the data files is selected.

In other words, when one of the files is selected, a needed application can be efficiently identified/located and executed by referring to the directory of the selected file; the directory has address information of the location of the selected file's application. In a situation with limited computing resources, for example an IC card, it is advantageous to be able to quickly identify and execute one of plural available applications when a corresponding data file is selected. Support for the clarifications, including the amendment of "directly", may be found at least in Figures 7-10, and at page 18, line 28 to page 19, line 5 of the present specification. See also page 16, lines 11-15.

Unlike the features above, Nakashima discusses a system for preventing copying of software by preventing execution of the software if it is copied. For this purpose, information indicating correspondence between logical addresses and physical addresses is previously stored with regard to the relevant application program. Before execution of the relevant program, actual correspondence between the logical addresses and the physical addresses in the relevant application program is examined. Then, if and when the thus-obtained correspondence coincides with the previously stored correspondence, execution of the application program is allowed. The copy prevention steps occur after the application has already been identified and located.

Applicant respectfully notes that the scope of the claims is not intended to be changed herein, but rather Applicant intends only to clarify the previously recited features of the claims, which bear further clarification in view of translation from a foreign application and improved understanding of the Applicant's representative. For example, "file" is changed to "data file" to clarify that a data file is not an application.

Withdrawal of the rejection is respectfully requested.

#### KAZUO (NAKASHIMA) DOES NOT SELECT AND ACTIVATE AN APPLICATION NEEDED FOR A DATA FILE RESPONSIVE TO SELECTION OF THE DATA FILE

Figures 11 and 17 of Nakashima show that Application Program A is activated by a user command at initial steps 201/301. As stated at column 7, lines 22-27, "After the optical disk [containing the application] is loaded in the optical disk drive 21 ... 'SAMPLE.TXT' is entered from the keyboard and the return key is pressed (step 201). As a result, the host system 31 acquires the application program SAMPLE.TXT ..." Therefore, it is apparent that Nakashima primarily relates to processes performed after the application has been manually selected for execution.

In view of the above, it is impossible for Nakashima to disclose the features of the claims that relate to identifying/selecting/locating/accessing, etc. an application needed for a data file after and in response to the data file having been selected. For example, because Nakashima begins with Application Program A having been manually selected, there is simply no need for Nakashima to "refer[] to the selected data file's directory to obtain its application's address information and therewith access and execute the application at the storage location of the thus-obtained address information given to the directory, where the selection for execution is

responsive to the data file of the directory being selected". A process of locating an application does not make sense when the application has already been identified. Nakashima begins with an identified application and then proceeds to verify that it is authentic.

Withdrawal of the rejection is further respectfully requested.

### **REJECTIONS UNDER 35 USC § 103**

In the Office Action, at pages 5-8, claims 1, 3 and 5-8 were rejected under 35 U.S.C. § 103 as being unpatentable over Kazuo (Nakashima). Claim 18 was rejected under 35 U.S.C. § 103 as being unpatentable over Kazuo (Nakashima) in view of Shinagawa. These rejections are traversed and reconsideration is requested.

With respect to the rejection of claims 1, 3, and 5-8, the obviousness rejections are not supported by the prior art. The motives and teachings are supplied only by the personal knowledge of the Examiner. The Examiner has not provided evidence that the proposed teaching actually exists in the prior art. The personal knowledge of an examiner, when used as a basis for a rejection, must be supported by an affidavit as to the specifics of the facts of that knowledge when called for by applicant. See, e.g., 37 C.F.R. § 1.104(d)(2). The Examiner is requested to support the rejection with either an affidavit or a reference, or withdraw the rejection.

Withdrawal of the rejection is respectfully requested.

Claim 18 recites "receiving a selection of one of the plurality of data files; and executing one of the plurality of applications, which corresponds to the one of the plurality of data files, based on one of a corresponding plurality of starting addresses that are stored directly with directory structures in the file structure by accessing a directory structure to obtain a starting address in response to the receiving the selection of the one of the plurality of files". Nakashima does not respond to selection of a data file by accessing a directory structure to obtain a starting address of the application. Nakashima specifically relates to optical media, and Shinagawa relates to a significantly different IC Card; the combination of these two distinctly different types of media is not obvious.

Withdrawal of the rejection is respectfully requested.

## **DEPENDENT CLAIMS**

The dependent claims are deemed patentable due at least to their dependence from allowable independent claims. These claims are also patentable due to their recitation of independently distinguishing features. For example, claim 5 recites "an item of the items of identification information is given to the highest directory of the directory structure". This feature is not taught or suggested by the prior art. Withdrawal of the rejection of the dependent claims is respectfully requested.

## **NEW CLAIMS**

New claims 19-22 have been added to provide further understanding. In effect, claim 19 uses a directory structure to link data files and corresponding applications ("each hierarchical directory structure storing one or more data files associated with the application whose address information is directly-stored with the hierarchical file directory structure, and where an application is associated with a directory because it is needed when a data file of the directory is selected"). The prior art does not discuss or suggest using a directory structure per se for this purpose. Although typical directory structure nodes (e.g. Fat32 nodes) store directory and file location information, they do not associate directories with application because the applications are needed when data files of the directories are selected, accessed, etc.

## **CONCLUSION**

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

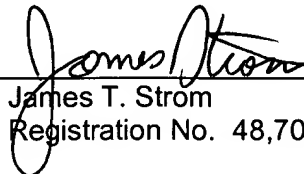
Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

Date: 1 June 2004

By:   
James T. Strom  
Registration No. 48,702

1201 New York Avenue, NW, Suite 700  
Washington, D.C. 20005  
Telephone: (202) 434-1500  
Facsimile: (202) 434-1501